

The Honorable Robert S Lasnik

JAMES MCDONALD
14840 119th PL NE
Kirkland, WA 98034
Phone (425) 210-0614
In Pro Per

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|-----------------------------------|---|---|
| In Re: |) | NO.: C10-1952RSL |
| |) | |
| |) | |
| JAMES MCDONALD |) | |
| Plaintiff |) | |
| v |) | Declaration of James McDonald |
| ONEWEST BANK, FSB, et al., |) | in Support of Plaintiff's Motion |
| Defendants. |) | for Summary Judgment |
| |) | |

James McDonald declares as follows:

1. I am the Plaintiff in the above action and am appearing Pro Se. I am above the age of 18 and am competent to testify in the course of the litigation. I have direct, personal knowledge of the matters referred to herein.
2. Every document that I am including in this Motion for Partial Summary Judgment is as I originally received it, unaltered, provided by the Defendants through their counsel, Heidi Buck, P.S.
3. The necessity to pursue litigation after several unsuccessful attempts to administratively halt the Defendants from violating my civil rights has resulted in a severe loss in income over the past two years. The action has significantly impaired my ability to work and find new clients, in addition to hindering my ability to effectively maintain the clients I have had. I have spent hundreds of hours researching the rampant fraud that the Defendants and companies like the Defendants have been committing, as well as learning how to competently advocate for myself as a pro se in this case, with no legal background. Were it not for the necessity to protect my civil rights against the abuses of the Defendants, my income would not have suffered. Therefore, I am requesting \$102,979.00 in damages as an accurate reflection of the income I have lost as a result of this lawsuit. This is a weighted figure calculated by averaging three years of income, including my income in 2009 when I was unable to work for the majority of the year. I removed 30% of the calculated gross income to reflect the recessed economy and industry conditions. Rather than ask for a full 24 months in lost income, I have only requested 18 months, totaling \$102,979.00. I believe that this figure is more than reasonable as the unweighted amount would be \$196,150.08.

As stated in §3.1.9 of Plaintiff's Motion for Partial Summary Judgment, I made several attempts to speak directly with NWTs and inform them of OneWest's lack of standing. These were written attempts made through documents including, but not limited to, my Objection to Trustee Sale. Verbal attempts were also made through several phone calls to Vonnice McElligott. Most of these attempts were unsuccessful as many calls were left unanswered. In the rare instances in which I actually spoke with Ms. McElligott, it was apparent that she was unwilling to assist me in halting the unjust actions OneWest was taking.

Plaintiff submits to the Court the following exhibits:

| | |
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| Exhibit 1 | Response by Deutsche Bank National Trust Company |
| Exhibit 2 | Declaration of JC San Pedro |
| Exhibit 3 | Declaration of Charles Boyd |
| Exhibit 4 | Custodial Agreement |
| Exhibit 5 | Request for Admissions |
| Exhibit 6 | Freddie Mac's Website- Single Family |
| Exhibit 7 | Assignment of Deed of Trust |
| Exhibit 8 | MERS Corporate Resolution |
| Exhibit 9 | Notice of Default |
| Exhibit 10 | NWTs Business License & SOS Filing |
| Exhibit 11 | RCO Business License & SOS Filing |
| Exhibit 12 | Letter to Trustees from WA Attorney General |
| Exhibit 13 | Notice of Trustee Sale |
| Exhibit 14 | Amended Notice of Trustee Sale |
| Exhibit 15 | Objection to Trustee Sale |
| Exhibit 16 | Appointment of Successor Trustee |

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. This declaration was executed on the 28th day of February, 2012.

/s/ James McDonald -
James McDonald
Pro Se